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Florida Attorney General's Office News Release

Attorney General Moody is Fighting to Take Back Public Postsecondary Education System from Unelected Academics



TALLAHASSEE, Fla.—Attorney General Ashley Moody is fighting to take back the postsecondary education system from unelected accrediting agencies and return power to Florida’s citizens. At a news conference today with Governor Ron DeSantis, Attorney General Moody announced a new legal action challenging a federal law that requires public postsecondary schools to submit to private accreditors to qualify for federal funding. The action argues that the current scheme is unconstitutional because it gives unelected academics unchecked power over public institutions.

Attorney General Ashley Moody said, “For too long, private academic accreditors have been holding our colleges and universities hostage. Thanks to the fearless leadership of Governor DeSantis, we are fighting to take back our public postsecondary education system from unelected private organizations who have no accountability or oversight.”

Governor Ron DeSantis said, “I will not allow Joe Biden’s Department of Education to defund America’s #1 higher education system all because we refuse to bow to unaccountable accreditors who think they should run Florida’s public universities. Throughout my time in office, I

have made it a priority to bring transparency and accountability to higher education and to reorient the mission of our colleges and universities away from purveying destructive ideologies and back toward the pursuit of truth and the preparation of our students for success. The Biden administration's attempts to block these reforms is an abuse of federal power, and with this lawsuit, we will ensure that Florida's pursuit of educational excellence will continue."

Attorney General Moody is taking action against the unconstitutional accreditation requirements for public postsecondary institutions. Under federal law, private accrediting agencies decide which universities and colleges are eligible for approximately \$112 billion in federal funding. To participate in federal programs, universities and colleges must comply with the whims of unelected academics who do not have to answer to the taxpayers funding these schools.

The complaint states: "Almost 100 years ago, the Supreme Court asked the following: '[W]ould it be seriously contended that Congress could delegate its legislative authority to trade or industrial associations or groups...because such associations or groups are familiar with the problems of their enterprises?' The question was rhetorical. The answer was a resounding 'no.' And the reason is obvious—doing so would be 'utterly inconsistent with the constitutional prerogatives and duties of Congress.' Nonetheless, in higher education, Congress has ceded unchecked power to private accrediting agencies to dictate education standards to colleges and universities, and it has forbidden the U.S. Department of Education (the Department) from meaningfully reviewing, approving, or rejecting those standards. Making matters worse, Congress has given accreditors broad power to apply their own standards to colleges and universities, subject only to limited judicial review."

The result is that private accrediting agencies enjoy nearly unchecked power over state institutions. Florida's postsecondary accreditor, the Southern Association of Colleges and Schools Commission on Colleges, regularly wields this power in Florida and other states to keep the public from running their own institutions.

The complaint states: "For example, SACS recently threatened the accreditation of Florida State University (FSU) merely because FSU was considering the State's Commissioner of Education for university president... And in Georgia, SACS threatened the federal funding of every public college and university in the State over the possible appointment of a former governor to oversee the state university system."

The complaint argues that the current accreditation scheme violates both the Appointments Clause and the Spending Clause in the U.S. Constitution.

To read the full complaint, click [here](#).

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